

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BROADCAST MUSIC, INC., et al.,

Plaintiffs,

vs.

CRONE, INC., et al.,

Defendants.

8:11-CV-219

MEMORANDUM AND ORDER

This matter is before the Court on the Report and Recommendation of the United States Bankruptcy Judge (filing [43](#)). No objections to that report and recommendation have been filed. The failure to file an objection eliminates not only the need for de novo review, but *any* review by the Court. See *Leonard v. Dorsey & Whitney LLP*, 553 F.3d 609 (8th Cir. 2009). Accordingly, the Court will adopt the report and recommendation of the United States Bankruptcy Judge that the referral of this matter to the Bankruptcy Court be withdrawn to proceed with the litigation against Crone, Inc., while staying the case as to George D. Crone, the party in bankruptcy, until the automatic stay is no longer in effect or relief from the automatic stay is requested and obtained from the Bankruptcy Court.

Pending when this case was referred to Bankruptcy Court was filing [37](#), in which the plaintiffs moved for default judgment against Crone, Inc., and summary judgment against Crone. That filing will be granted in part and denied in part without prejudice. Default judgment will be entered against Crone, Inc., in a separate judgment, in the amount set forth below. Summary judgment against George Crone will be denied without prejudice to the filing of another motion for summary judgment after the automatic stay as to George Crone is lifted.

The clerk's entry of default (filing [23](#)), was filed as to Crone, Inc., on August 8, 2011. See Fed. R. Civ. P. 55(a). The plaintiffs' motion for default judgment against Crone, Inc. (filing [37](#)), sought statutory damages in the amount of \$22,400, attorney fees of \$4,540, taxable costs, and interest. See filing [38](#). In support, the plaintiffs have presented evidence supporting their claims that Crone, Inc., violated their copyrights, that Crone, Inc., did so despite repeated contact from the plaintiffs, and that the attorney fees sought are fair and reasonable. See filings [40-1](#), [40-5](#), and [40-6](#). The Court finds that

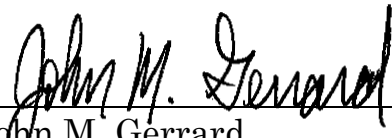
the requirements of [Fed. R. Civ. P. 55\(b\)](#) have been satisfied, and will grant the plaintiffs' motion for default judgment and enter judgment accordingly.

IT IS ORDERED:

1. The report and recommendation of the United States Bankruptcy Judge (filing [43](#)) recommending withdrawal of the reference is adopted.
2. The plaintiffs' motion for default judgment against Crone Inc. (filing [37](#)), will be granted.
3. Default judgment against Crone, Inc., will be entered separately.
4. The plaintiffs' motion for summary judgment against George Crone (filing [37](#)) will be denied without prejudice.
5. This case is stayed as to George Crone, the party in bankruptcy, until the stay is no longer in effect pursuant to [11 U.S.C. § 362](#), or relief from the automatic stay is requested and obtained from the Bankruptcy Court.
6. The parties are directed to inform the Court every 60 days of the status of the case.
7. The Clerk of the Court is directed to enter an initial status report deadline of July 31, 2012.

Dated this 31st day of May, 2012.

BY THE COURT:



John M. Gerrard
United States District Judge